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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,807	10/01/1998	WILLIAM D. CASTAGNA	33318/WWM/D2	7100
27276	7590	04/23/2004	EXAMINER	
UNISYS CORPORATION			GAUTHIER, GERALD	
UNISYS WAY			ART UNIT	PAPER NUMBER
MAILSTOP E8-114			2645	
BLUE BELL, PA 19424-0001			DATE MAILED: 04/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/164,807	CASTAGNA, WILLIAM D.
	Examiner	Art Unit
	Gerald Gauthier	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 02, 2004 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5, 7-8, 14-15, 24-28 and 32-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu et al. (US 5,787,151) in view of Hayes-Roth (US 6,031,549).

Regarding claim 1, Nakatsu discloses a telephony based delivery system of messages containing selected greetings (column 1, lines 12-15), (which reads on claimed "a method of personalizing voice messages to be used by a voice mail system

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in interacting with a user based on information provided by the user in an interactive communication between the voice mail system and the user") comprising the steps of:

 creating a plurality of sets of recorded messages wherein each set of the sets is identifiable by an agent, the sets being for interacting with the voice mail system (column 6, lines 13-25) [The data files of digitized prompts and greetings and list of category and greeting names are generated externally of the voice card system]; and

 selecting a recorded message from the plurality of sets of recorded messages based on interactive inquiries between the user and the voice mail system, wherein the user selects the set by choosing a particular agent message (column 7, lines 39-47) [The system receives selection to effectively play audio prompts and greetings by recognition of voice commands].

Nakatsu discloses multiple categories of greetings but fails to disclose having a distinct mood.

However, Hayes-Roth teaches each having a distinct mood (column 11, lines 43-55) [The agent application updates the mood values of its associated character to add a distinct mood to the responses].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Nakatsu by adding the current mood as taught by Hayes-Roth.

The modification will allow the system to use of having a distinct mood such that the combination would provide possible physical and verbal behaviors to the messages.

Regarding **claims 2 and 27**, Nakatsu discloses the step of personalizing the selected recorded message responsive to the information provided by the user (column 6, lines 13-25).

Regarding **claims 3 and 33**, Hayes-Roth teaches wherein the distinct mood is created by modifying at least one of the following: the speed, dialect, and pitch of the selected recorded message (column 11, lines 56-67).

Regarding **claim 4**, Nakatsu discloses the creating step comprises automatically creating a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition (column 5, lines 31-39).

Regarding **claims 5 and 28**, Nakatsu discloses playing a sample of agent introduction messages from a plurality of the sets of recorded message while waiting for a selection entry from the user the selection to indicate a selected agent and therefore a set of messages associated with the selected agent (column 7, lines 48-59);

affecting a recorded message responsive to the selection entry made by the user (column 7, lines 48-59); and

affecting a recorded message based on a previous selection if no selection entry is made by the user (column 7, lines 48-59).

Regarding **claim 7**, Nakatsu teaches conducting an interview with the user to determine an appropriate selection based on responses given by the user (column 8, lines 31-67).

Regarding **claim 8**, Nakatsu discloses selecting a pre-determined recorded message based on identification of the user by voice recognition (column 5, lines 31-39).

Regarding **claim 14**, Nakatsu discloses the plurality of sets of recorded messages is used for the system prompts to the user (column 7, lines 48-59).

Regarding **claim 15**, Nakatsu discloses the interactive inquiries between the user and the voice mail system is determined by the system according to the user's competence in interacting with the system (column 7, lines 39-47).

Regarding **claim 24**, Nakatsu discloses the user is a subscriber of the voice mail system (column 8, lines 31-67).

Regarding **claim 25**, Nakatsu discloses the user is an outside caller (column 8, lines 31-67).

Regarding **claim 26**, Nakatsu discloses a telephony based delivery system of messages containing selected greetings (column 1, lines 12-15), (which reads on claimed “an apparatus for personalizing voice messages to be used by a voice mail system in interacting with a user based on information provided by the user in a communication between the voice mail system and the user”) comprising:

an application module (72 on FIG. 3);
a management module (74 on FIG. 3);
a media module (84 on FIG. 3) interconnected to the application module and the management module;

a storage medium (80 on FIG. 3) connected to the media module, the management module, and the application module;

means for creating a plurality of sets of recorded messages for each such set for interacting with the voice mail system each set being identifiable by an agent (column 6, lines 13-25) [The data files of digitized prompts and greetings and list of category and greeting names are generated externally of the voice card system];

means for selecting a recorded message from the plurality of sets of recorded messages based on interactive inquiries between the user and the voice mail system whereby a sample of messages from different agents is provided to the user and wherein selection by a user selects the set identifiable by that agent (column 7, lines 39-47) [The system receives selection to effectively play audio prompts and greetings by recognition of voice commands].

Nakatsu discloses multiple categories of greetings but fails to disclose having a distinct mood.

However, Hayes-Roth teaches each having a distinct mood (column 11, lines 43-55) [The agent application updates the mood values of its associated character to add a distinct mood to the responses].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Nakatsu by adding the current mood as taught by Hayes-Roth.

The modification will allow the system to use of having a distinct mood such that the combination would provide possible physical and verbal behaviors to the messages.

Regarding **claim 32**, Nakatsu discloses a telephony based delivery system of messages containing selected greetings (column 1, lines 12-15), (which reads on claimed "a method of personalizing voice messages to be used by a voice mail system in interacting with a user based on information provided by the user in an interactive communication between the voice mail system and the user") comprising the steps of:

creating a plurality of sets of recorded messages wherein each set of the sets is identifiable by an agent, the sets being for interacting with the voice mail system (column 6, lines 13-25) [The data files of digitized prompts and greetings and list of category and greeting names are generated externally of the voice card system]; and

selecting a recorded message from the plurality of sets of recorded messages based on interactive inquiries between the user and the voice mail system, wherein the

user selects the set by choosing a particular agent message (column 7, lines 39-47)

[The system receives selection to effectively play audio prompts and greetings by recognition of voice commands].

Nakatsu discloses multiple categories of greetings but fails to disclose having a distinct mood.

However, Hayes-Roth teaches each having a distinct mood (column 11, lines 43-55) [The agent application updates the mood values of its associated character to add a distinct mood to the responses].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the personalized messages of Nakatsu by adding the current mood as taught by Hayes-Roth.

The modification will allow the system to use of having a distinct mood such that the combination would provide possible physical and verbal behaviors to the messages.

Regarding **claim 34**, Hayes-Roth teaches wherein the mood includes at least one of the following: happy serious, verbose, terse, temperamental, and good-natured (column 11, lines 14-24).

3. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth and in further view of Hashimoto (US 4,850,005).

Regarding **claim 6**, Nakatsu and Hayes-Roth as applied to **claim 5** above differ from **claim 6** in that it fails to disclose a confirmation message.

However, Hashimoto teaches the step of confirming the selected recorded message by playing back to the user a confirmation message using the same mood as the selected message (column 5, lines 40-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Nakatsu and Hayes-Roth by adding a confirmation message as taught by Hashimoto.

The modification will allow the system to have a confirmation message such that the system would extract the data related.

4. **Claims 9-11 and 29-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth and in further view of Johnson (US 6,005,928).

Regarding **claims 9 and 29**, Nakatsu and Hayes-Roth as applied to **claims 1 and 26** above differ from **claims 9 and 29** in that it fails to disclose a calling number using ANI.

However, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number using ANI information contained in data received by the voice mail system (column 3, lines 38-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a calling number using ANI of Johnson in the invention of Nakatsu and Hayes-Roth.

The modification of the invention will offer the capability of selecting a pre-determined recorded message based on identification of a calling number using ANI such as the messages would be played according to the calling number.

Regarding **claims 10 and 30**, Johnson teaches the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number, using Caller ID information (column 3, lines 38-46).

Regarding **claim 11**, Johnson teaches the selecting step comprises selecting a recorded message for a person associated with an entry in an address book (column 3, lines 6-20).

5. **Claims 12-13 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth, in view of Hashimoto and in further view of Johnson.

Regarding **claims 12 and 31**, Nakatsu and Hayes-Roth as applied to **claims 1 and 26** above differ from **claims 12 and 31** in that it fails to disclose using an address book.

However, Hashimoto teaches seeking confirmation from the user for a matched voice pattern using a previously selected mood (column 5, lines 40-42);

selecting a pre-determined recorded message based on the matched voice pattern (column 5, lines 48-60).

Nakatsu, Hayes-Roth and Hashimoto fail to disclose searching a database by a voice recognition system.

However, Johnson teaches searching a database having entries for associations between voice patterns of users identified by a voice recognition system and calling numbers according to ANI information to find a match for a calling number (column 3, lines 37-46);

searching the database to find a match for the user's voice pattern associated with a matched calling number (column 3, lines 37-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Nakatsu, Hayes-Roth and Hashimoto by adding searching a database by a voice recognition system as taught by Johnson.

The modification will allow the system to include searching a database by a voice recognition system such that the voice recognition requirements would be reduced.

Regarding **claims 13 and 31**, Nakatsu discloses the step of adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found (column 5, lines 57-67).

6. **Claims 16-17 and 22-23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth and in further view of Pfeiffer et al. (US 4,785,473).

Regarding **claim 16**, Nakatsu and Hayes-Roth as applied to **claim 15** above differ from **claim 16** in that it fails to disclose sets of recorded messages differ in length and speed.

However, Pfeiffer teaches the plurality of sets of recorded messages differ in length and speed (column 9, lines 52-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Barber and Henton by further adding sets of recorded messages differ in length and speed as taught by Pfeiffer.

The modification will allow the system to sets of recorded messages differ in length and speed such that the voice message segment would have a shorter length.

Regarding **claim 17**, Pfeiffer teaches the user's competence is determined by a plurality of detection criteria monitored by the system (column 4, lines 57-59).

Regarding **claim 22**, Nakatsu discloses the plurality of sets of recorded messages are used for making system-wide changes in level of messages for a particular user (column 8, lines 19-20).

Regarding **claim 23**, Nakatsu discloses the plurality of sets of recorded messages is used for changing the system prompts at a local point in the system (column 8, lines 31-59).

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth, in view of Pfeiffer and in further view of Tatchell et al. (US 5,905,774).

Regarding **claim 18**, Nakatsu, Hayes-Roth and Pfeiffer as applied to **claim 17** above differ from **claim 18** in that it fails to disclose the frequency at which the user reaches a particular point in the system.

However, Tatchell teaches detection criterion is the frequency at which the user reaches a particular point in the system (column 12, lines 1-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Nakatsu and Hayes-Roth and Pfeiffer by further adding the frequency at which the user reaches a particular point in the system of Tatchell.

The modification will allow the system to detect criterion in the frequency at which the user reaches a particular point in the system such that the predetermined response would be provided to the user.

8. **Claims 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth, in view of Pfeiffer and in further view of Mark (US 5,825,871).

Regarding **claim 19**, Nakatsu, Hayes-Roth and Pfeiffer as applied to **claim 17** above differ from **claim 19** in that it fails to disclose the errors made by the user.

However, Mark teaches detection criterion is the errors made by the user (column 49, lines 45-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Nakatsu, Hayes-Roth and Pfeiffer by further adding the errors made by the user of Mark.

The modification will allow the system to detect criterion in the errors made by the user such that the unauthorized user would make the system unattractive.

Regarding **claim 20**, Mark teaches detection criterion is the long pauses of the system without user response at the same point in the system on consecutive calls (column 29, lines 4-12).

9. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsu in view of Hayes-Roth, in view of Pfeiffer and in further view of Pepper et al. (US 5,930,700).

Regarding **claim 21**, Nakatsu, Hayes-Roth and Pfeiffer as applied to **claim 17** above differ from **claim 21** in that it fails to disclose how quickly the user halts a message with a selection.

However, Pepper teaches a detection criterion how quickly the user halts a message with a selection (column 8, line 60 to column 9, line 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Nakatsu, Hayes-Roth and Pfeiffer by further adding how quickly the user halts a message with a selection of Pepper.

The modification will allow the system to detect criterion of how quickly the user halts a message with a selection such that pressing the appropriate button would mark the message.

Response to Arguments

10. Applicant's arguments with respect to **claims 1-34** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gerald Gauthier
g.g.

April 19, 2004

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